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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,819	08/23/2000	Dorian Birsan	CA919990037US1	2470

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EXAMINER

LUDWIG, MATTHEW J

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/644,819	Applicant(s) BIRSAN ET AL.	
	Examiner Matthew J. Ludwig	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-9,11-14,16-19,21-24,26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-8,12-14,18,19 and 22-24 is/are rejected.
- 7) ☒ Claim(s) 3,5,9,11,16,17,21,26 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed March 3, 2006.
2. Claims 1-3, 5-9, 11-14, 16-19, 21-24, 26, and 27, are pending in the case. Claims 1, 13, 18, and 23, are independent claims.
3. Claims 1-27, rejected under 35 U.S.C. 103(a) as being unpatentable over Raman in view of Batres has been withdrawn pursuant to applicant's amendment. The rejection of claims 18, 19, 21-24, 26, and 27, under 35 U.S.C. 101 as being non-statutory has been withdrawn pursuant to applicant's amendment.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

In reference to dependent claim 6, the claim recites the phrase 'in an application program development program and said source data model'. It is unclear to the examiner what exactly is being described in the claim or what is being defined within the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 6-8, 12-14, 18, 19, 22, 23, and 24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wanderski et al., USPN 6,519,617 filed (4/8/1999) in view of Lection et al., USPN 6,418,446 filed (3/1/1999).

In reference to independent claim 1, Wanderski teaches:

Software may operate on a server in a network, as one or more modules which are invoked upon request. The reference discloses a template module being defined by DTD, which utilizes the limitation and preference information (or other dynamic factors, as appropriate) gathered, to determine a set of transforms that are desirable in view of these factors. The examiner believes the reference suggests a source data model that includes user parameters.

A transform bean may be available that (when processed in the transformation engine) will translate all tables into unordered lists. The beans invoked are written to translate, or modify, the tags in the DOM tree to request the transforms. See column 11, lines 1-67.

The XML elements specify dynamically-determined transformation directives that are desired to transform the input document. See column 11, lines 25-67.

The well-formed XML document can be parsed to yield a DOM tree which all XML-compliant parsers are capable of processing. See column 9, lines 5-29.

The reference provides the teaching of a processing module including a component to generate a first Document Object Model tree for navigating through the directives to manipulate said source data model and create a target data model. However, the reference fails to explicitly state a component to generate a second Document Object Model tree for navigating said source

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data model. Lektion provides a method for generating multiple DOM's based upon a gathering and transformation process. A second DOM is utilized in the manipulation of data and the occurrence of a GATHER function. See column 10, lines 10-67 and column 11, lines 1-67. It would have been obvious to one of ordinary skill in the art, having the teachings of Wanderski and Lektion before him/her at the time the invention was made, to modify the DOM methods taught by Wanderski to include the multiple DOM generation method of Lektion, because it would have allowed all added data fields in a record available for processing.

In reference to dependent claim 2, Wanderski teaches:

Dynamically generate a DTD that corresponds to the modified tags of the DOM tree. The tags in the DOM tree represent a dynamically-generated dialect of XML which represents the transformation directives to be applied. See column 11, lines 50-67.

In reference to dependent claim 6, Wanderski teaches:

The software may operate on a server in a network, as one or more modules (also referred to as code subroutines, or "object" in object oriented programming) which are invoked upon request. See column 7, lines 23-35.

In reference to dependent claim 7, Wanderski teaches:

Creation of a DTD for the XML dialect enables parsers to operate on an XML document with no advance knowledge of the syntax or semantics of the document, maximizing the portability of the document. See column 9, lines 20-35.

In reference to dependent claim 8 and 12, Wanderski teaches:

Creation of a DTD for the XML dialect enables parsers to operate on an XML document with no advance knowledge of the syntax or semantics of the document, maximizing the portability of the document. See column 9, lines 20-35.

In reference to claims 13, 14, 18, 19, 22, 23, and 24, the claims recite similar language to those used for performing the apparatus claimed in 1,2, 6, 7, and 12. In further view of the following, the claims are rejected under similar rationale.

Allowable Subject Matter

8. Claims 3, 5, 9, 11, 16, 17, 21, 26, and 27, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant argues on page 11 of the amendment that the claims recite a second Document Object Model tree. Furthermore, applicant points out there is no discussion in the rejection of a second Document Object Model tree for navigating the source data model. The following limitation changes the scope of the invention when read as whole and therefore a new reference was added to provide a rejection of the claims based on the newly formed claim language.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brooke et al.,	Pat. Pub. US 2004/0210556 A1	filed (4/29/04)
Galea et al.,	USPN 6,404,445	filed (12/30/99)
Draper et al.,	USPN 6,449,620	filed (3/2/00)

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

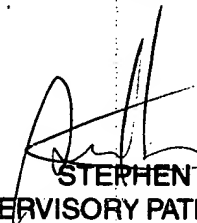
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127. The examiner can normally be reached on 9:00am-6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML
May 19, 2006


STEPHEN HONG
SUPERVISORY PATENT EXAMINER